



DEPARTMENT OF VETERANS AFFAIRS

Billing Code 8320-01

[OMB Control No. 2900-0085]

Agency Information Collection (Appeal to Board of Veterans' Appeals) Activities under OMB Review

AGENCY: Board of Veterans' Appeals, Department of Veterans Affairs

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Board of Veterans' Appeals (BVA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATE: Comments must be submitted on or before [Insert date 30 days after date of publication in the FEDERAL REGISTER].

ADDRESSES: Submit written comments on the collection of information through [www.Regulations.gov](http://www.Regulations.gov) or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-7316. Please refer to "OMB Control No. 2900-0085" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 632-7479, FAX (202) 273-0487 or e-mail [denise.mclamb@va.gov](mailto:denise.mclamb@va.gov). Please refer to "OMB Control No. 2900-0085."

SUPPLEMENTAL INFORMATION:

Titles:

- a. Appeal to Board of Veterans' Appeals, VA Form 9.
- b. Withdrawal of Services by a Representative.
- c. Request for Changes in Hearing Date.
- d. Motions for Reconsideration.

OMB Control Number: 2900-0085.

Type of Review: Extension of a currently approved collection.

Abstract:

- a. Appeal to Board of Veterans' Appeals, VA Form 9, may be used by appellants to complete their appeal to the Board of Veterans' Appeals (BVA) from a denial of VA benefits. The information is used by BVA to identify the issues in dispute and prepare a decision responsive to the appellant's contentions and the legal and factual issues raised.
- b. Withdrawal of Services by a Representative: When the appellant's representative withdraws from a case, both the appellant and the BVA must be informed so that the appellant's rights may be adequately protected and so that the BVA may meet its statutory obligations to provide notice to the current representative.

- c. Request for Changes in Hearing Date: VA provides hearings to appellants and their representatives, as required by basic Constitutional due-process and by Title 38 U.S.C. 7107(b). From time to time, hearing dates and/or times are changed, hearing requests withdrawn and new hearings requested after failure to appear at a scheduled hearing. The information is used to comply with the appellants' or their representatives' requests.
- d. Motions for Reconsideration: Decisions by BVA are final unless the Chairman orders reconsideration of the decision either on the Chairman's initiative, or upon motion of a claimant. The Board Chairman, or his designee, uses the information provided in deciding whether reconsideration of a Board decision should be granted.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The *Federal Register* Notice with a 60-day comment period soliciting comments on this collection of information was published on September 28, 2011, at pages 60135 - 60136.

Affected Public: Individuals or households, Business or other for profit, and Not for profit institutions.

Estimated Total Annual Burden:

- a. Appeal to Board of Veterans' Appeals, VA Form 9 – 45,850 hours.
- b. Withdrawal of Services by a Representative - 183 hours.
- c. Request for Changes in Hearing Date – 1,212 hours.
- d. Motions for Reconsideration – 846 hours.

Estimated Average Burden Per Respondent:

- a. Appeal to Board of Veterans' Appeals, VA Form 9 - 1 hour.
- b. Withdrawal of Services by a Representative - 20 minutes.
- c. Request for Changes in Hearing Date - 15 minutes (hearing date change), 15 minutes (request to withdraw a hearing), - 1 hour (requests change a motion).
- d. Motions for Reconsideration - 1 hour.

Frequency of Response: On occasion.

Estimated Total Number of Respondents:

- a. Appeal to Board of Veterans' Appeals, VA Form 9 - 45,850.
- b. Withdrawal of Services by a Representative - 550.
- c. Request for Changes in Hearing Date – 2,733.
- d. Motions for Reconsideration – 846.

DATED: December 9, 2011

By direction of the Secretary:

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Denise McLamb, Program Analyst  
Enterprise Records Service

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